

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CENTER FOR BIOLOGICAL)	No.
DIVERSITY,)	
)	
Petitioner,)	
)	
v.)	
)	
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY; GINA McCARTHY, in)	
her official capacity as Administrator)	
of the United States Environmental)	
Protection Agency; JARED)	
BLUMENFELD, in his official)	
capacity as Regional Administrator of)	
Region 9 of the United States)	
Environmental Protection Agency; and)	
DEBORAH JORDAN, in her official)	
capacity as Director of the Air)	
Division of Region 9 of the United)	
States Environmental Protection)	
Agency,)	
)	
Respondents.)	

PETITION FOR REVIEW

Pursuant to section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), Rule 15(a) of the Federal Rules of Civil Procedure, and Circuit Rule 15-1, Petitioner Center for Biological Diversity (“Petitioner”) hereby petitions this Court for

review of the final decision of the United States Environmental Protection Agency (“EPA”), Region 9, to issue a Clean Air Act Prevention of Significant Deterioration (“PSD”) permit to Sierra Pacific Industries for the Sierra Pacific Industries-Anderson Division (“SPI-Anderson”) facility. In issuing the PSD permit for the SPI-Anderson facility, EPA violated the Clean Air Act and applicable regulations. Petitioner and its members are adversely affected and aggrieved by EPA’s decision.

EPA provided notice of its final decision in the Federal Register. Notice of Decision to Issue Clean Air Act PSD Permit for Sierra Pacific Industries-Anderson Division, 79 Fed. Reg. 35,543 (June 23, 2014). A copy of the Federal Register notice is attached as Attachment A. A copy of the final PSD permit is attached as Attachment B.

This Court has exclusive jurisdiction over this petition. Clean Air Act § 307(b)(1), 42 U.S.C. § 7607(b)(1). Petitioner has satisfied all necessary administrative prerequisites to judicial review. *See* 40 C.F.R. § 124.19(a), (l). This petition is timely filed within 60 days of the date on which notice of EPA’s decision appeared in the *Federal Register*. *Id.*; *see also* 79 Fed. Reg. at 35,543 (stating that judicial review “may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of June 23, 2014”).

PETITIONERS' CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure,
Petitioner Center for Biological Diversity certifies that it has no parent companies
and that no publicly held corporation owns 10 percent or more of Petitioner.

Respectfully submitted this 22nd day of August, 2014.

/s/ Kevin P. Bundy
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Attorneys for Petitioner
CENTER FOR BIOLOGICAL DIVERSITY

subpart Q. A state or tribe that chooses to apply for program authorization must submit a complete application to the appropriate regional EPA office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a state or tribe must demonstrate that its program is at least as protective of human health and the environment as the federal program, and provides for adequate enforcement under section 404(b) of TSCA, 15 U.S.C. 2684(b). EPA's regulations at 40 CFR part 745, subpart Q provide the detailed requirements a state or tribal program must meet in order to obtain EPA approval.

III. Tribal Program Description Summary

The following is the Tribe's proposed TSCA Lead-Based Paint program summary, which the Bois Forte Tribe prepared as a required part of its application:

The Bois Forte has adopted by Resolution # 6-2011, the ordinance entitled *Bois Forte Lead Program* in order to provide clear and specific authority and guidance for regulating renovation requirements, and pre-renovation notification requirements and lead-based paint activities, including assessment, inspection, and abatement of lead-based paint on the Bois Forte Reservation. Penalties for non-compliance are established. The ordinance targets all buildings located on the Bois Forte Reservation.

The ordinance is designed to be at least as protective as the federal law and provide for adequate enforcement of all provisions through a schedule of flexible remedies. This is accomplished through a combination of Tribe-specific requirements (training accreditation) that are identical to the federal regulations and through incorporation by reference of other required federal elements (certification of individuals, pre-renovation notification activities, renovation, and definitions of lead-based paint hazards). Also incorporated by reference are the federal definitions with the notable expansion of the definition of target housing to include all reservation buildings.

The ordinance contains enforcement and compliance requirements consisting of a schedule of flexible remedies and an appeals process.

The Bois Forte Reservation Lead Program request for federal delegation of authority is a natural application of tribal sovereign power over environmental regulatory activities on the Tribe's lands for the health, welfare, and safety of community members. EPA believes that the Tribe's program description, above, together with the rest of the application, demonstrates adequate civil regulatory jurisdiction over the matter and entities regulated.

IV. Federal Overfilling

Section 404(b) of TSCA makes it unlawful for any person to violate, or

fail or refuse to comply with, any requirement of an approved state or tribal program. Therefore, if EPA approves the Bois Forte Lead Program application, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of the Bois Forte Lead Program to the extent that such requirement is consistent with federal law.

List of Subjects

Environmental Protection, Hazardous Substances, Lead, Renovation Notification, Reporting and Recordkeeping requirements.

Dated: June 10, 2014.

Susan Hedman,

Regional Administrator, Region 9

[FR Doc. 2014-14591 Filed 6-20-14; 8:15 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OAR-2012-0634; FRL-9912-72-Region-9]

Notice of Decision To Issue Clean Air Act PSD Permit for Sierra Pacific Industries-Anderson Division

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final agency action.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) Region 9 issued a final permit decision for a Clean Air Act Prevention of Significant Deterioration (PSD) permit to Sierra Pacific Industries for the Sierra Pacific Industries-Anderson Division (SPI-Anderson) facility.

DATES: EPA Region 9 issued a final PSD permit decision for the SPI-Anderson facility April 25, 2014. The PSD permit is effective on June 6, 2014. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this final permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of June 23, 2014.

ADDRESSES: Documents relevant to the above-referenced permit are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. To arrange for viewing of these documents, call Shaheerah Kelly at (415) 947-4156.

FOR FURTHER INFORMATION CONTACT: Shaheerah Kelly, Permits Office (Air-3),

U.S. Environmental Protection Agency, Region 9, (415) 947-4156.

kelly.shaheerah@epa.gov. Key portions of the administrative record for this decision (including the final permit, all public comments, EPA's responses to the public comments, and additional supporting information) are available through a link at Region 9's Web site, www.epa.gov/region09/air/permits/psd-permits-issued.html#psd, or at www.regulations.gov (Docket ID #EPA-R09-OAR-2011-0978). Anyone who wishes to review the EPA Environmental Appeals Board (EAB or Board) decision described below or documents in the EAB's electronic docket for its decision related to this matter can obtain them at <http://www.epa.gov/eab/>.

Notice Of Final Action And Supplementary Information: On April 25, 2014, EPA Region 9 issued its final permit decision (PSD Permit No. SAC 12-01) to SPI authorizing the construction and operation of a new 31 megawatt biomass and natural gas-fired cogeneration unit and auxiliary equipment at the SPI-Anderson facility in Anderson, California. EPA Region 9 had issued a previous decision regarding this project, on February 19, 2013. After petitions for review of that decision were filed with the EAB, the Board remanded the permit to EPA Region 9 in part and directed EPA Region 9 to reopen the permit proceedings to hold a public hearing, issue a final permit decision and respond to any new comments received during the hearing. *See, In re Sierra Pacific Industries (Anderson Processing Facility)*, PSD Appeal Nos. 13-01 to 13-04, slip op. at 67 (EAB July 18, 2013). The EAB denied review of all other issues.

Following these events, we revised the PSD permit by including GHG emission limits and related requirements, as requested by SPI. Following the U.S. Court of Appeals for the District of Columbia vacatur of EPA's deferral of biogenic carbon dioxide emissions from PSD requirements, *see, Ctr. for Biological Diversity v. EPA*, 722 F.3d 401 (D.C. Cir. 2013), in August 2013, SPI-Anderson submitted to EPA a supplemental PSD application for GHG emissions. EPA Region 9 revised the PSD permit to include GHG emission limits and related requirements; we also revised certain other conditions (primarily related to monitoring, performance testing, and recordkeeping) to address minor technical issues we had identified since February 2013. We provided notice of public comment of the proposed PSD permit and a public

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hearing per 40 CFR 124 on November 8, 2013. In response to the EAB remand, we held a public hearing on December 10, 2013. We accepted public comments on the proposed PSD permit from November 8, 2013 until January 10, 2014.

On April 25, 2014, we issued the final PSD permit, our responses to public comments, and other key documents relevant to the final PSD permit in accordance with 40 CFR 52.21 and 40 CFR part 124. In our correspondence and notifications regarding the final PSD permit, we stated that the final permit decision will become effective 30 days after the service of notice of the decision unless our decision is appealed to the EAB pursuant to 40 CFR 124.19. Three petitions were submitted to the EAB. On June 5, 2014, the EAB dismissed these petitions for review of the final PSD permit decision for lack of jurisdiction.

EPA Region 9 has completed the remand proceedings in response to the EAB's Order, pursuant to 40 CFR 124.19(l)(2), and is issuing the final permit decision granting PSD Permit No. SAC 12-01 to SPI for the SPI-Anderson facility. All conditions of the PSD permit issued on April 25, 2014 are final and effective on June 6, 2014.

Dated: June 9, 2014.

Deborah Jordan,

Director, Air Division, Region IX.

[FR Doc. 2014-14596 Filed 6-20-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2014-0135; FRL-9912-73-OW]

Extension of Request for Scientific Views for Updated National Recommended Water Quality Criteria for the Protection of Human Health

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of the request for scientific views.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for the draft updated national recommended water quality criteria for the protection of human health announced in a previous notice entitled "Updated National Recommended Water Quality Criteria for the Protection of Human Health." In response to stakeholder requests, the EPA is extending the period of time in which the Agency will accept scientific views for an additional 30 days.

DATES: Scientific views must be received on or before August 13, 2014. The comment period was originally scheduled to end on July 14, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2014-0135, by one of the following methods:

- **www.regulations.gov:** Follow the on-line instructions for submitting comments.
- **Mail:** Water Docket, Environmental Protection Agency, 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA-HQ-OW-2014-0135.
- **Hand Delivery:** Water Docket, EPA Docket Center, EPA WJC West Building Room 3334, 1301 Constitution Ave. NW., Washington, DC, 20004, Attention Docket EPA-HQ-OW-2014-0135. Deliveries to the docket are accepted only during their normal hours of operation: 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. For access to docket materials, call (202) 566-2426, to schedule an appointment.

• **Email:** ow-docket@epa.gov; Attention Docket No. EPA-HQ-OW-2014-0135. To ensure that EPA can properly respond to comments, commenters should cite the section(s) or chemical(s) in draft updates to which each comment refers. Commenters should use a separate paragraph for each issue discussed, and must submit any references cited in their comments. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. Electronic files should avoid any form of encryption and should be free of any defects or viruses.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OW-2014-0135. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through www.regulations.gov your email address

will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

FOR FURTHER INFORMATION CONTACT: Heidi Bethel at U.S. EPA, Office of Water, Health and Ecological Criteria Division (Mail Code 4304T), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: (202) 566-2054; or email: bethel.heidi@epa.gov.

SUPPLEMENTARY INFORMATION: On May 13, 2014, the EPA announced the availability of draft updated national recommended water quality criteria for the protection of human health in a previous notice entitled "Updated National Recommended Water Quality Criteria for the Protection of Human Health" in the *Federal Register* (79 FR 27303). EPA updated its national recommended water quality criteria for human health for ninety-four chemical pollutants to reflect the latest scientific information and current EPA policies. The draft updated criteria are based on EPA's current methodology for deriving human health criteria as described in "Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000)" and do not establish new policy. EPA's recommended water quality criteria

**PREVENTION OF SIGNIFICANT DETERIORATION PERMIT
PROPOSED PURSUANT TO THE
REQUIREMENTS AT 40 CFR § 52.21**

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX

PSD PERMIT NUMBER: SAC 12-01

PERMITTEE: Sierra Pacific Industries
P.O. Box 496028
Redding, CA 96049-6028

FACILITY NAME: Sierra Pacific Industries- Anderson

FACILITY LOCATION: 19758 Riverside Avenue
Anderson, California 96007

Pursuant to the provisions of the Clean Air Act (CAA), Subchapter I, Part C (42 U.S.C. Section 7470, *et. seq.*), and the Code of Federal Regulations (CFR) Title 40, Section 52.21, the United States Environmental Protection Agency Region 9 (EPA) is issuing a *Prevention of Significant Deterioration* (PSD) air quality permit to Sierra Pacific Industries (SPI). This Permit applies to the approval to construct and operate a new stoker boiler capable of generating 31 MW of gross electrical output from the combustion of clean cellulosic biomass, and related auxiliary equipment.

SPI is authorized to construct and operate the 31 MW cogeneration unit at SPI-Anderson as described herein, in accordance with the permit application (and plans submitted with the permit application), the federal PSD regulations at 40 CFR § 52.21, and other terms and conditions set forth in this PSD Permit. Failure to comply with any condition or term set forth in this PSD Permit may be subject to enforcement action pursuant to Section 113 of the Clean Air Act. This PSD Permit does not relieve SPI from the obligation to comply with applicable federal, state, and Shasta County Air Quality Management District (District) air pollution control rules and regulations.

Per 40 CFR § 124.15(b), this PSD Permit becomes effective 30 days after the service of notice of this final permit decision unless review is requested on the permit pursuant to 40 CFR § 124.19.



Deborah Jordan
Director, Air Division

4/25/14

Date

**SIERRA PACIFIC INDUSTRIES - ANDERSON (SAC 12-01)
PREVENTION OF SIGNIFICANT DETERIORATION PERMIT
PERMIT CONDITIONS**

PROJECT DESCRIPTION

Sierra Pacific Industries, Inc. (SPI) applied for the approval to construct and operate a new stoker boiler capable of generating 31 MW of gross electrical output from the combustion of biomass and natural gas, and related auxiliary equipment. The original Prevention of Significant Deterioration (PSD) permit for this lumber manufacturing facility was issued in 1994 by the Shasta County Air Quality Management District (District). The site currently contains a wood-fired boiler cogeneration unit with associated air pollution control equipment and conveyance systems that produce steam to dry lumber in existing kilns. On March 3, 2003, USEPA revoked and rescinded the District's authority to issue and modify federal PSD permits for new and modified major sources of attainment pollutants in Shasta County. Therefore, EPA is issuing this PSD permit to authorize SPI to construct and operate the additional boiler and related auxiliary equipment described in this permit at the SPI-Anderson facility. The PSD permit previously issued by the District to SPI is still in effect and applies to existing equipment at the SPI-Anderson site.

Fuel for the new stoker boiler will be generated on site and received from other fuel sources, mainly other SPI facilities, to produce roughly 250,000 pounds per hour of steam. This steam will be used to dry lumber in existing kilns for the lumber operation, as well as feed a turbine that will drive a generator to produce electricity for use on site or for sale to the grid. A closed-loop three-cell cooling tower will be used to dispose of waste heat from the steam turbine.

This PSD permit for the modification requires the use of Best Available Control Technology (BACT) to limit emissions of nitrogen oxides (NO_x), carbon monoxide (CO), total particulate matter (PM), PM under 10 micrometers (µm) in diameter (PM₁₀), PM under 2.5µm in diameter (PM_{2.5}), and greenhouse gases (GHG), to the greatest extent feasible. Air pollution emissions from the modification will not cause or contribute to violations of any National Ambient Air Quality Standards (NAAQS) or any applicable PSD increments for the pollutants regulated under the permit.

Additional equipment includes the construction of an additional cooling tower and an emergency natural gas engine to power the emergency boiler recirculation pump.

EQUIPMENT LIST

Table 1 lists the new equipment that will be regulated by the proposed PSD permit:

Table 1 - New Equipment List Regulated by the PSD Permit

ID	Unit	Description
U1	One Stoker Boiler with Grate	<ul style="list-style-type: none"> Biomass-fired with natural gas burners for start-up Maximum heat input of approximately 468 MMBtu/hr and steam generation rate of 250,000 lbs/hr Equipped with two natural gas burners, each with a maximum rated heat input of 62.5 MMBtu/hr Equipped with selective non-catalytic reduction (SNCR) system to reduce NO_x, and multiclone with an electrostatic precipitator (ESP) to control PM emissions
U2	Cooling Tower	<ul style="list-style-type: none"> Composed of three cells with an expected water load of 4.24 gallons per minute per square foot.
U3	Emergency Engine	<ul style="list-style-type: none"> 256 hp at 1,800 rpm Spark-ignition internal combustion, natural gas-fired Powers emergency boiler recirculation pump 40 CFR Part 60 - Subpart JJJJ Compliant

Table 2 lists the existing equipment that is not included in this PSD permit. The equipment listed below is permitted by the District and the Permittee must comply with all applicable requirements of the PSD permit (Permit No. 94-PO-18) issued by the District. Table 2 is provided for reference purposes only:

Table 2 - Existing Equipment List

ID	Unit	Description
U4	One Wellons Stoker Boiler	<ul style="list-style-type: none"> Biomass-fired Maximum annual average heat input of approximately 116.4 MMBtu/hr Equipped with SNCR system to reduce NO_x, and multiclone with ESP to control PM emissions Equipped with one 30,400 ft³ fuel storage bin, 2 hog fuel bins, 2 wood chip fuel bins
U5	One Conveyance System	<ul style="list-style-type: none"> (2) Cyclones with combined flow rate of 51.004 scfm (1) 7,118 ft² MAC Pulse Jet Baghouse with 300hp Blower (1) 35" x 45" Rotary Airlock (1) Buhler en-masse, 19", 22tph Conveyor (2) Each overhead storage bins with enclosed sides
U6	One Spray Unit	<ul style="list-style-type: none"> Closed loop unit equipped with integrated, negative pressure, mist collection system and 65' exhaust stack
U7	One Wood Chip Loading Facility	<ul style="list-style-type: none"> (1) Platform truck dumper (1) Wood chip conveying system with dust containment hood (1) 200hp, 59,000CFM Rader blower
U8	Seven De-greasing Tanks	<ul style="list-style-type: none"> Non-solvent based tanks
U9	One Gas Storage Tank	<ul style="list-style-type: none"> Above ground with 10,000 gallon capacity tank
U10	One Painting Operation	<ul style="list-style-type: none"> Miscellaneous painting operation
U11	Drying Kilns	<ul style="list-style-type: none"> (8) steam-heated, double-track, lumber drying kilns

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Final PSD Permit
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PERMIT CONDITIONS

I. PERMIT EXPIRATION

As provided in 40 CFR § 52.21(r), this PSD permit shall become invalid if construction:

- A. is not commenced (as defined in 40 CFR § 52.21(b)(9)) within 18 months after the approval takes effect; or
- B. is discontinued for a period of 18 months or more; or
- C. is not completed within a reasonable time.

II. PERMIT NOTIFICATION REQUIREMENTS

Permittee shall notify EPA Region IX by letter or by electronic mail, to aeo_r9@epa.gov, of the:

- A. date construction is commenced, postmarked within 30 days of such date;
- B. actual date of initial startup, as defined in 40 CFR § 60.2, postmarked within 15 days of such date;
- C. date upon which initial performance tests will commence, in accordance with the provisions of *Conditions X.H and I*, postmarked not less than 30 days prior to such date. Notification may be provided with the submittal of the performance test protocol required pursuant to *Conditions X.H and I*; and
- D. date upon which initial performance evaluation of the continuous emissions monitoring system (CEMS) will commence in accordance with 40 CFR § 60.13(c), postmarked not less than 30 days prior to such date. Notification may be provided with the submittal of the CEMS performance test protocol required pursuant to *Condition X.I*.

III. FACILITY OPERATION

- A. At all times, including periods of startup, shutdown, shakedown, and malfunction, Permittee shall, to the extent practicable, maintain and operate the Facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to EPA, which may include, but is not limited to, monitoring results, opacity observations, review of operating maintenance procedures and

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Sierra Pacific Industries- Anderson (SAC 12-01)
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inspection of the Facility.

- B. The Permittee shall operate and maintain U1, U2 and U3 in a manner consistent with good engineering practices for its full utilization.
- C. As soon as practicable following initial startup of the facility (as defined in 40 CFR § 60.2) but prior to commencement of commercial operation (as defined in 40 CFR § 72.2), and thereafter, the Permittee shall develop and implement an operation and maintenance plan for U1, U2 and U3. At a minimum, the plan shall identify measures for assessing the performance of U1, U2, and U3, the acceptable range of performance measures for achieving the desired output, the methods for monitoring the performance measures, and the routine procedures for maintaining U1, U2 and U3 in good operating condition.

IV. MALFUNCTION REPORTING

- A. Permittee shall notify EPA at aep_r9@epa.gov within two (2) working days following the discovery of any failure of air pollution control equipment or process equipment, or failure of a process to operate in a normal manner, which results in an increase in emissions above the allowable emission limits stated in *Section X* of this permit.
- B. In addition, Permittee shall provide an additional notification to EPA in writing or electronic mail within fifteen (15) days of any such failure described under *Condition IV.A*. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial malfunction, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed in *Section X*, and the methods utilized to mitigate emissions and restore normal operations.
- C. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violation of this permit or any law or regulation such malfunction may cause.

V. RIGHT OF ENTRY

The EPA Regional Administrator, and/or an authorized representative, upon the presentation of credentials, shall be permitted:

- A. to enter the premises where the Facility is located or where any records are required

to be kept under the terms and conditions of this PSD Permit;

- B. during normal business hours, to have access to and to copy any records required to be kept under the terms and conditions of this PSD Permit;
- C. to inspect any equipment, operation, or method subject to requirements in this PSD Permit; and
- D. to sample materials and emissions from the source(s).

VI. TRANSFER OF OWNERSHIP

In the event of any changes in control or ownership of the Facility, this PSD Permit shall be binding on all subsequent owners and operators. Within 14 days of any such change in control or ownership, Permittee shall notify the succeeding owner and operator of the existence of this PSD Permit and its conditions by letter. Permittee shall send a copy of this letter to EPA Region IX within 30 days of its issuance.

VII. SEVERABILITY

The provisions of this PSD Permit are severable, and, if any provision of the PSD Permit is held invalid, the remainder of this PSD Permit shall not be affected.

VIII. ADHERENCE TO APPLICATION AND COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS

Permittee shall construct the Project in compliance with this PSD permit, the application on which this permit is based, and all other applicable federal, state, and local air quality regulations. This PSD permit does not release the Permittee from any liability for compliance with other applicable federal, state and local environmental laws and regulations, including the Clean Air Act.

IX. RESERVED

X. SPECIAL CONDITIONS

A. Boiler Annual Emission Limits

- 1. Annual emissions from U1, in tons per year (tpy) (12-month rolling sum basis), shall not exceed the following emission limits. These limits shall apply at all times, including during startup and shutdown periods.

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*Sierra Pacific Industries- Anderson (SAC 12-01)
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Table 3 - U1 Rolling 12-Month Emission Limits

NO _x	CO	PM	PM ₁₀	PM _{2.5}
267	472	41	41	41

- CO₂e emissions from U1 shall not exceed 0.36 lb CO₂e/lb steam produced (12-month annual rolling average basis). This CO₂e limit shall apply at all times, including during startup and shutdown periods.

B. Air Pollution Control Equipment and Operation

The Permittee shall construct and operate U1 and its associated equipment with an energy efficient design and use good combustion practices as described in the Permittee's permit application and subsequent submissions to the EPA. This includes, but not limited to, (1) construction and operation of an efficient, state-of-the-art, air-cooled, reciprocating stepgrate stoker boiler that ensures good combustion; (2) operation of the boiler as a cogeneration unit at the Facility; and (3) operation and maintenance of the boiler in accordance with the manufacturer's recommendations.

As soon as practicable following initial startup of U1 (startup as defined in 40 CFR § 60.2) but prior to commencement of commercial operation (as defined in 40 CFR § 72.2), and thereafter, the Permittee shall continuously operate, and maintain the following during boiler operations: an SNCR system for control of NO_x, multiclone collectors and an ESP for the control of PM, PM₁₀ and PM_{2.5}, and good combustion practices for the control of CO. The Permittee shall also perform any necessary operations to minimize emissions so that emissions are at or below the emission limits specified in this permit.

The Permittee shall also, to the extent practicable, maintain and operate equipment and associated monitoring equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, fuel use records, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, review of reports required by this Permit, and inspection of the Facility.

C. Steam Production and Emission Limitations

- Except as noted below under *Condition X.D.*, on and after the date of initial startup, Permittee shall not discharge or cause the discharge from U1 into the atmosphere in excess of the following:

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Table 4 - U1 Short-Term Emission Limits

Pollutant	U1
NO _x	• 70.2 lbs/hr (3-hour block average)
	• 0.13 lbs/MMBtu (12-month rolling basis)
	• 0.15 lbs/MMBtu (3-hour block average)
	• EPA Method 1-4 and 7E
CO	• 107.7 lbs/hr (3-hour block average)
	• 0.23 lb/MMBtu (3-hour block average)
	• EPA Method 1-4 and 10
PM, PM ₁₀ , PM _{2.5}	• 0.02 lb/MMBtu (3-hour block average)
	• 9.4 lb/hr (hourly average), corrected to 12% CO ₂

2. CO emissions at all times from U1, including startup and shutdown events as defined *Conditions X.D.3.* and *X.D.4.*, shall not exceed 432 lbs/hr (hourly average).
3. Steam production from U1 shall not exceed 275,000 lbs/hr (24 hour block average).
4. Visible emissions from U1, except for uncombined water vapor or during periods defined in *Condition X.D.*, shall not exceed 20% opacity in any six minute period, as verified by the continuous opacity monitoring system (COMS).
5. Visible emissions from the U1 shall not exceed 40% opacity for more than three minutes out of any one 60-minute period.
6. At all times, including equipment startup and shutdown, Permittee shall minimize the cause or discharge of the following emissions:
 - a. Dust from unpaved roads or any other non-vegetation-covered area.
 - b. Fugitive sawdust from fuel-handling devices and/or storage areas.
 - c. Char and/or bottom ash which is processed by the char handling systems or removed from U1 by other means.
 - d. Accumulation of sawdust or ash on outside surfaces including, but not limited to, the main building, U1, ESP, support pads, road areas. Surfaces shall be cleaned on a regular basis to prevent the build-up of ash and/or fugitive dust.
 - e. Fuel dust or ash spilled due to an upset condition shall be cleaned up in a timely manner. In no event shall spilled dust or ash be allowed to exist beyond 24 hours of the upset.

D. Requirements during Startup and Shutdown

1. Only biomass fuels, as defined in *Condition X.G.1.*, and Public Utilities Commission (PUC)-quality pipeline natural gas shall be fired during periods of startup, shutdown, and flame stabilization.

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2. For U1, normal operating temperature shall be defined as the normal operating temperature specified by the unit manufacturer.
3. For U1, startup shall be defined as the period beginning with U1 not in operation and concluding when U1 has reached a normal operating temperature. During startup, the generator shall be separated from the electrical grid.
4. For U1, shutdown shall be defined as the period beginning with curtailment of fuel feed and concluding when the recorded superheater outlet temperature reaches 150°F and remains so for at least one hour. During shutdown, the generator shall be separated from the electrical grid.
5. For U1, the duration of startup and shutdown periods and emissions of NO_x, CO, PM, PM₁₀ and PM_{2.5} shall not exceed the following, as verified by the CEMS and fuel usage data:

	Table 5 - U1 Startup and Shutdown Limits			
	NO _x	CO	PM, PM ₁₀ , PM _{2.5}	Duration
	(8 hour average)	(8 hour average)	(24 hour average)	
Startup	70.2 lb/hr	108 lb/hr	8.93 lb/hr	24 hours
Shutdown	70.2 lb/hr	108 lb/hr	8.93 lb/hr	24 hours

6. For U1, the Permittee must operate the CEMS during startup and shutdown periods.
7. For U1, the Permittee must record the time, date, and duration of each startup and shutdown event.
8. For U1, the Permittee must keep records that include calculations of NO_x, CO, PM, PM₁₀, PM_{2.5} and emissions in lb/hr and lb/MMBtu during each startup and shutdown event based on the CEMS and fuel usage data.

E. Auxiliary Equipment Emissions Limitations

1. Permittee shall not discharge or cause the discharge from each unit into the atmosphere in excess of the following:

Table 6 - U2 and U3 Emission Limits

Pollutant	U2	U3
NO _x	N/A	• 0.78 lb/hr
CO	N/A	• 4.0 g/hp-hr (3-hour block average) • 6.11 lb/hr
PM/ PM ₁₀	• 0.272 lbs/hr (hourly average)	• 0.0216 lb/hr

2. Except during an emergency, U3 shall be limited to operation for maintenance and testing purposes. Annual hours of operation for U3, for maintenance and testing, shall not exceed 100 hours per 12-month rolling average.

F. Operating Conditions and Work Practices

1. *Low SNCR activation temperature* shall be defined as the lowest operating temperature for U1 at which the SNCR system is recommended for operation to reduce NO_x emissions as defined by the SNCR manufacturer. This temperature value shall be included in the operation and maintenance plan required by *Condition III.C*.
2. For U1, SNCR systems for the control of NO_x shall be in operation at all times that U1 exceeds the *low SNCR activation temperature*.
3. For U1, the multiclones and ESP for the control of PM, PM₁₀ and PM_{2.5} shall be in operation at all times during the combustion process.
4. U3 shall not operate during startup of U1, except when required for emergency operations.
5. Wood waste collection and storage bin leaks shall be minimized at all times. All identified wood waste collection and storage bin leaks, spills and upsets of any kind shall be corrected or cleaned immediately, within 4 hours, as practicable, to correct the leak, spill or upset.
6. Wood waste collection and storage bins shall be emptied on a schedule that ensures that the cyclone-separator system does not become plugged.
7. Wood waste collection and storage bins, not including the fuel shed, shall remain enclosed to mitigate the fugitive emissions from the unloading process.
8. All ash shall be transported in a wet condition in covered containers or stored in closed containers at all times.
9. Fugitive dust generated from access and on-site roads shall be minimized by application of water, dust palliative, chip-sealing, or paving.

10. Fugitive dust from storage piles, processing area, and disturbed areas shall be minimized by periodic cleanup and/or use of sprinklers, tarps, or dust palliative agents.
11. During periods of high winds, Permittee shall take immediate action to correct fugitive dust emissions from the chip processing area.
12. All necessary surfaces shall be cleaned or washed sufficiently to prevent wind-blown dust from leaving the property boundaries.
13. All truck loading and unloading conducted at the facility shall be done in a manner that minimizes spillage, and fugitive emissions.
14. For U2, the drift rate shall not exceed 0.0005%.
15. Each container holding volatile organic waste shall be labeled with the contents identified and information noting the date when waste material was added.
16. The Permittee shall inspect all containers holding VOCs or waste, at least weekly, for leaks and for deterioration caused by corrosion or other factors.
17. Containers holding ignitable or reactive waste must be located within the property boundary at least 50 feet from the facility's property line.
18. Incompatible wastes must not be placed in the same container. The treatment, storage, and disposal of ignitable or reactive waste, and the commingling of wastes, or wastes and materials, must be conducted so it does not:
 - a. Generate extreme heat, pressure, explosion, or violent reaction;
 - b. Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health;
 - c. Produce flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - d. Damage the structural integrity of the device or facility containing the waste; or
 - e. Through other means threaten human health or the environment.

G. Fuel Restrictions

1. The following biomass fuels shall constitute the only fuel allowed for use as fuel in U1, except during periods defined in *Condition X.D.* and to counteract upset conditions:
 - a. Untreated wood pallets, crates, dunnage, untreated manufacturing and

- construction wood debris from urban areas;
 - b. All agricultural crops or residues;
 - c. Mill residues including hog fuel, shavings, sawdust, trimmings, and bark.
 - d. Forest residues including treetops, non-merchantable sections of the stem, branches, and bark, left on the ground after logging or accumulating as a result of a storm, fire, delimbing, or other similar disturbance.
 - e. Non-merchantable forest biomass consisting of byproducts and residuals of forest management activities identified to follow all of the following practices;
 - (1) Harvested pursuant to an approved timber management plan prepared in accordance with the Z'berg-Nejedly Forest practice Act of 1973 or other locally or nationally approved plan; and
 - (2) Harvested for the purpose of forest fire fuel reduction or forest stand improvement.
2. The heat input from pipeline natural gas shall not exceed 10% of the total heat input to U1 on a 12-month rolling basis.
 3. The heat input to U3 shall only be PUC-quality pipeline natural gas

H. Monitoring Conditions

1. For U1, the Permittee shall maintain the following continuous monitoring systems at all times when the combustion process is occurring:
 - a. The Permittee shall install, calibrate, operate and quality-assure a Continuous Emissions Monitoring System (CEMS) that measures CO, NO_x, and CO₂.
 - b. The CO and NO_x CEMS shall measure and record (i) CO and NO_x emissions in ppmv, and (ii) exhaust gas CO and NO_x concentrations corrected to 12 percent by volume stack gas CO₂ dry basis.
 - c. The Permittee shall conduct initial certification of the CEMS in accordance with *Condition X.H.2*.
 - d. The Permittee shall operate and maintain a Continuous Opacity Monitoring System (COMS) capable of measuring stack gas opacity.
 - e. The Permittee shall install a stack gas volumetric flowrate monitor, and steam production rate monitor.
2. The CEMS and stack gas volumetric flowrate monitor for U1 shall meet the applicable requirements of 40 CFR Part 60.13 and 40 CFR Part 60 Appendix B, and 40 CFR Part 60 Appendix F, Procedure 1.
3. Each CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute clock-hour period.

4. Data sampling, analyzing, and recording of the CEMS shall also be adequate to demonstrate compliance with emission limits during startup and shutdown.
5. The initial certification of the CEMS may either be conducted separately or as part of the initial performance test of U1. The CEMS must undergo and pass initial performance specification testing on or before the date of the initial performance test.
6. The CEMS shall be audited quarterly and tested annually to demonstrate that it meets the specifications in *Condition X.H.2*. The Permittee shall perform a full stack traverse during the initial run of annual relative accuracy test auditing of the CEMS, with testing points selected according to 40 CFR Part 60 Appendix A, Method 1.
7. The Permittee shall submit a CEMS performance test protocol to EPA in accordance with *Condition X.I.2.d*.
8. For U1, opacity shall be monitored by a COMS that meets the applicable requirements of 40 CFR Part 60 Appendix B, Performance Specification 1.
9. The COMS shall have a span value of 100% and utilize a computer or other facility which has the capability of interpreting sampling data and producing output to demonstrate compliance with applicable standards. The span value for the continuous measuring system for measuring opacity shall be between 60 and 80%. The span for the recording instrumentation for the opacity meter shall be 0 to 100%.
10. The operator/owner shall monitor the following combustion and control parameters for U1 on a continuous basis unless otherwise noted:
 - a. Combustion temperature (at the superheater tube area)
 - b. Temperature at air heater outlet
 - c. Hourly steam production rate
11. The Permittee shall furnish the EPA with a written report of the results of performance tests as identified in this Permit within 60 days of completion.
12. The Permittee shall continuously monitor the ESP for transformer/rectifier (T/R set) On/Off status and Rapper On/Off status.
13. The Permittee shall record hourly readings of ESP zone voltage (minimum 10 kilovolts, maximum 60 kilovolts) and amps on the operator log.
14. For U3, the Permittee shall install and maintain an operational non-resettable elapsed time meter to record the operating time of the emergency engine.

I. Performance Tests

1. Performance tests shall be performed by an independent testing firm, and conducted in accordance with the test methods set forth in 40 CFR Part 60.8 and 40 CFR Part 60-Appendix A, as modified below:
 - a. EPA Methods 1-4, 18 and 25A for VOC emissions. Methods 18 and 25A may both be used simultaneously to quantify the annual emissions of the organic compounds listed in 40 CFR 51.100(s)(1) (using Method 18) and subtract this amount from the annual total VOC emissions (as determined from Method 25A).
 - b. EPA Methods 1-4 and 6(c) for SO₂ emissions.
 - c. EPA Methods 1-4 and 10 for CO emissions.
 - d. EPA Methods 1-4 and 7E for NO_x emissions.
 - e. EPA Methods 1-4 and 29 for Lead (Pb) emissions.
 - f. EPA Methods 1-4 and 5 for PM emissions. (This performance test may be done concurrently with EPA Method 29 for Pb emissions.)
 - g. EPA Methods 1-4, 5 and 202 with a two-hour test run period for each test for PM₁₀ and PM_{2.5} emissions. In lieu of Method 5, the Permittee may use Other Test Method 201A.
 - h. EPA Method 3A for CO₂ emissions.
 - i. The provisions of 40 CFR Part 60.8(f).
 - j. In lieu of the specified test methods, alternative methods may be used with prior written approval from EPA.
2. For U1,
 - a. Within 60 days after achieving normal operation, but not later than 120 days after the modification, the Permittee shall conduct initial performance tests (as described in 40 CFR Part 60.8) for CO, CO₂, NO_x, Pb, PM, PM₁₀, PM_{2.5}, SO₂ and VOC emissions. The performance test requirements for CO, NO_x, and CO₂ shall be demonstrated using the initial relative accuracy test auditing of the CEMS, for each applicable pollutant, required in *Condition X.H.6*.
 - b. For performance test purposes, sampling ports, platforms, and access shall be provided on the emission unit exhaust system in accordance with the requirements of 40 CFR Part 60.8(e).
 - c. Annual performance tests of PM₁₀, CO, CO₂, and NO_x shall be conducted at no less than 90 percent of the facility's maximum steam production rate of 250,000 lb/hr. The performance test requirements for CO, NO_x, and CO₂ shall be demonstrated using the annual relative accuracy test auditing of the CEMS, for each applicable pollutant, required in *Condition X.H.6*.
 - d. The Permittee shall submit a performance test protocol to EPA no later than 30 days prior to a performance test to allow review of the test plan and to arrange for an observer to be present at the test. The performance test shall be conducted in

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accordance with the submitted protocol, and any changes required by EPA.

3. For U2, the Permittee shall do the following:
 - a. Perform weekly tests of the blow-down water quality using an EPA-approved method. The operator shall maintain a log that contains the date and result of each blow-down water quality test, the water circulation rate at the time of the test, and the resulting mass emission rate. This log shall be maintained onsite for a minimum of five years and shall be provided to EPA and District personnel upon request.
 - b. Calculate PM, PM₁₀, and PM_{2.5} emission rate using an EPA-approved calculation based on the total dissolved solids (TDS) and water circulation rate.
 - c. Conduct all required cooling tower water quality tests in accordance with an EPA-approved test and emissions calculation protocol. Thirty (30) days prior to the first such test, the operator shall provide a written test and emissions calculation protocol for EPA review and approval, with a copy to the District as specified in *Condition XII*.
 - d. Establish a maintenance procedure that states how often and what procedures will be used to ensure the integrity of the drift eliminators and to ensure compliance with recirculation rates. This procedure is to be kept onsite and made available to EPA and District personnel upon request. The Permittee shall promptly report any deviations from this procedure.
4. For U3, the Permittee shall conduct an initial performance test (as described in 40 CFR 60.4244) for NO_x and CO and emissions and at least every five years beginning ten years after the initial performance test (within 30 days of the tenth anniversary of the initial performance test date).
5. Upon written request from the Permittee, and adequate justification, EPA may waive a specific annual test and/or allow for testing to be done at less than maximum operating capacity.

J. Recordkeeping and Reporting

1. The Permittee shall maintain a file of all records, data, measurements, reports, and documents related to the operation of the Facility, including, but not limited to, the following: all records or reports pertaining to adjustments and/or maintenance performed on any system or device at the facility; initial performance test data for U1, documents from the fuel supplier for *Condition X.D.1.*; and all other information required by this permit recorded in a permanent form suitable for inspection.
2. The Permittee shall calculate and record on a daily basis the average boiler heat input in MMbtu/hr (24-hr daily block average). The calculation shall be based on

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manufacturer ratio of maximum design heat rating to design steam (maximum design (MMBtu/hr) divided by design steam (lb/hr)) multiplied by the total steam generated each day. The heat input, as determined from this, shall not exceed 468 MMBtu/hr on a monthly basis.

3. By the last day of each month, the Permittee shall calculate and record the 12-month rolling sum of CO, NO_x, PM, PM₁₀, and PM_{2.5} emissions in tpy for U1 for the previous 12 months in accordance with *Condition X.A.1*.
 - a. CO and NO_x emissions calculations shall be based on emissions data acquired by the CO and NO_x CEMS.
 - b. PM, PM₁₀, and PM_{2.5} shall be based on emission factors from the most recent performance test.
4. By the last day of each month, the Permittee shall calculate and record the 12-month rolling average of CO₂e in lb CO₂e/lb steam produced for U1 for the previous 12 months in accordance with *Condition X.A.2*.
 - a. CO₂ emissions calculations shall be based on emissions data acquired by the CO₂ CEMS, and the applicable calculation methodology contained in 40 CFR 98.33(a)(4) in effect on January 1, 2014.
 - b. CH₄ and N₂O emissions calculations shall be based on the following:
 - (1) The heat input of the applicable emission unit.
 - (2) The default CH₄ and N₂O emission factors in Table C-2 of 40 CFR Part 98, Subpart C as published on November 29, 2013 (78 FR 71952) and effective on January 1, 2014, and provided in the following table.

Fuel Type	GHG Pollutant	Emission Factor (kg/MMBtu)
Wood and Wood Residuals	CH ₄	0.0072
	N ₂ O	0.0036
Natural Gas	CH ₄	0.001
	N ₂ O	0.0001

- (3) The applicable calculation methodology contained in 40 CFR 98.33 in effect on January 1, 2014.
 - c. The Permittee shall calculate the CO₂e emissions based on the procedures and Global Warming Potentials (GWP) contained in Greenhouse Gas Regulations, 40 CFR Part 98, Subpart A, Table A-1, as published on November 29, 2013 (78 FR 71948) and effective on January 1, 2014, and provided in the following table.

GHG Pollutant	GWP
CO ₂	1
CH ₄	25
N ₂ O	298
Sulfur hexafluoride (SF ₆)	22,800

- d. The total CO₂e shall be based on the sum of the CO₂e for CH₄, N₂O and CO₂.
 - e. Steam production shall be based on daily records of the hourly steam production rate output monitoring device.
5. For U1, the Permittee shall maintain the following records:
 - a. The total monthly hours of operation;
 - b. 3-hour averages of CO and NO_x emissions in units of lbs/MMBtu and lbs/hour dry basis. All time periods when the boiler is not in operation shall be excluded from the averages. The monthly average of CO and NO_x emissions expressed in lbs/hour shall also be included;
 - c. 3-hour average calculations of PM₁₀ emissions in units of lbs/MMBtu and lbs/hour dry basis using the most recent annual PM₁₀ source test;
 - d. Notification of all periods the continuous monitors were not functioning and the reasons for the same;
 - e. Steam production rate averaged over a daily (24-hour) period.
 6. The Permittee shall maintain CEMS and COMS records that include the following:
 - a. The occurrence and duration of any startup, shutdown, or malfunction, performance testing, evaluations, calibrations, checks, adjustments maintenance, duration of any periods during which a CEMS or COMS is inoperative, and corresponding emission measurements.
 - b. Date, place, and time of measurement or monitoring equipment maintenance activity;
 - c. Operating conditions at the time of measurement or monitoring equipment maintenance activity;
 - d. Date, place, name of company or entity that performed the measurement or monitoring equipment maintenance activity and the methods used; and
 - e. Results of the measurement or monitoring equipment maintenance.
 7. The Permittee shall maintain records and submit a written report of all excess emissions and opacity measurements to EPA and the District semi-annually, except when more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. The report is due

on the 30th day following the end of each semi-annual period and shall include the following:

- a. Time intervals, data and magnitude of the excess emissions, the nature and cause (if known), corrective actions taken and preventive measures adopted;
 - b. Applicable time and date of each period during which the CEMS or COMS was inoperative (monitor down-time), except for zero and span checks, and the nature of CEMS or COMS repairs or adjustments;
 - c. A statement in the report of a negative declaration; that is, a statement when no excess emissions occurred or when the CEMS or COMS has not been inoperative, repaired, or adjusted;
 - d. Any failure to conduct any required source testing, monitoring, or other compliance activities; and
 - e. Any violation of limitations on operation, including but not limited to restrictions on hours of operation.
8. A period of monitor down-time shall be any unit operating clock hour in which sufficient data are not obtained by the CEMS to validate the hour for NO_x, CO, or CO₂.
 9. Excess emissions shall be defined as any period in which emissions exceed the emission limits and standards set forth in *Conditions X.C.1, X.C.2, X.C.3 and X.D.5*.
 10. Excess emissions indicated by the CEMS, COMS, source testing, or compliance monitoring shall be considered violations of the applicable emission limit or standard for the purpose of this permit.
 11. For U1, daily records of fuel received other than natural gas shall be maintained. These records shall include a detailed description of the fuel supplier, fuel type and tons received.
 12. For U3, the Permittee shall maintain records of the following: hours of operation, purpose of operation, fuel usage on hourly basis and calculated PM/PM₁₀ emissions based on manufacturer emissions specifications and fuel usage data.
 13. Unless otherwise specified herein, all records required by this PSD Permit shall be retained for not less than five years following the date of such measurements, maintenance, reports, and/or records.

XI. ACROYNMS AND ABBREVIATIONS

ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
BTU	British Thermal Unit
CAA	Clean Air Act
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
CH ₄	Methane
CHP	Combined Heat and Power
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalents
CTG	Combustion Turbine Generator
CTM	Conditional Test Method
COMS	Continuous Opacity Monitoring System
CU	Cogeneration Unit
District	Shasta County Air Quality Management District
DLN	Dry Low NO _x
(d)scf	(dry) Standard Cubic Feet
EPA	Environmental Protection Agency
ESP	Electrostatic Precipitator
Facility	Sierra Pacific Industries – Anderson Division
FR	Federal Register
GHG	Greenhouse Gases
gpm	Gallons Per Minute
gr	Grains
HHV	Higher Heating Value
hr	Hour
lbs	Pounds
lb CO ₂ e/lb steam	Pounds of CO ₂ Equivalents per Pound of Steam Produced
MMBtu	Million British Thermal Units
MW	Megawatt
NAAQS	National Ambient Air Quality Standards
NO ₂	Nitrogen Dioxide
N ₂ O	Nitrous Oxide
NO _x	Oxides of Nitrogen
NSPS	New Source Performance Standards
Owner or Operator	Sierra Pacific Industries
Permittee	Sierra Pacific Industries
PM	Total Particulate Matter
PM _{2.5}	Particulate Matter with aerodynamic diameter less than 2.5 micrometers
PM ₁₀	Particulate Matter with aerodynamic diameter less than 10 micrometers
ppm	Parts Per Million
ppmvd	Parts Per Million by Volume, Dry basis
ppmv	Parts Per Million by Volume

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Sierra Pacific Industries- Anderson (SAC 12-01)
 Final PSD Permit
 April 2014

PSD	Prevention of Significant Deterioration
RATA	Relative Accuracy Test Audit
SCAQMD	Shasta County Air Quality Management District
SCR	Selective Catalytic Reduction
SNCR	Selective Non-Catalytic Reduction
SO ₂	Sulfur Dioxide
SO _x	Oxides of Sulfur
TDS	Total Dissolved Solids
tpy	Tons Per Year
yr	Year

XII. AGENCY NOTIFICATIONS

- A. Unless otherwise directed by the EPA or this permit, the owner or operator shall submit all information required to be reported by this permit other than notification of change of ownership, including, but not limited to, test plans, reports, certifications, notifications and requests to approve alternative monitoring or reporting, to the following address:

Director, Enforcement Division (Attn: ENF-2-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

EMAIL: aco_r9@epa.gov

- B. Unless otherwise directed by the EPA or this permit, the owner or operator shall submit all other information pertaining to this permit or facility, including but not limited to, applications to add, replace or modify an emission unit or control equipment, notification of change of ownership, and information concerning any other changes that may contravene existing permit terms, to:

Director, Air Division (Attn: AIR-3)
U. S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

- C. The owner or operator shall submit a copy of all documents required to be submitted pursuant to this permit, including but not limited to Sections X.A. and X.B. to:

Air Pollution Control Officer
Shasta County Air Quality Management District
1855 Placer Street, Suite 101
Redding, CA 96001-1759

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and a resident of the County of Contra Costa. I am over the age of 18 years and not a party to the above-entitled action. My business address is 351 California Street, Suite 600, San Francisco, California 94104.

I hereby certify that on August 22, 2014, pursuant to Rule 15(c)(1) of the Federal Rules of Appellate Procedure, I caused to be served one true copy of the PETITION FOR REVIEW and PETITIONER'S CORPORATE DISCLOSURE STATEMENT via certified U.S. Mail on the following persons:

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Administrator, U.S. EPA
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Mail Code 1101A
Washington, DC 20460

Jared Blumenfeld
Regional Administrator
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

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San Francisco, CA 94115

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 22, 2014, at San Francisco, California.

/s/ Andrea Weber
ANDREA WEBER

UNITED STATES COURT OF APPEALS for the NINTH CIRCUIT

Office of the Clerk

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Rules of Practice

The Federal Rules of Appellate Procedure (Fed. R. App. P.), the Ninth Circuit Rules (9th Cir. R.) and the General Orders govern practice before this Court. The rules are available on the Court's website at www.ca9.uscourts.gov under *Rules*.

Practice Resources

The Court has prepared a practice guide video entitled *Perfecting Your Appeal*. The video may be viewed for free on the Court's website at www.ca9.uscourts.gov under *FAQs, Forms and Instructions -> Guides and Legal Outlines*, and may be purchased through the Clerk's office in San Francisco for \$15.00. Continuing legal education credit for viewing this videotape is available in most jurisdictions.

Admission to the Bar of the Ninth Circuit

All attorneys practicing before the Court must be admitted to the Bar of the Ninth Circuit. Fed. R. App. P. 46(a); 9th Cir. R. 46-1.1 & 46-1.2.

To apply for admission, obtain an application on the Court's website at www.ca9.uscourts.gov under *Forms* or by calling (415) 355-7800. If you are registered for the 9th Circuit's Appellate ECF system, upload your application and pay the \$230.00 fee with a credit card by logging into Appellate ECF and clicking on Utilities > Attorney Admission. Otherwise, mail the application to the Clerk's Office in San Francisco with the admission fee of \$230.00. Your check or money order must be included with the application.

Notice of Change of Address

Counsel who are registered for Appellate ECF must update their personal information, including street addresses and/or email addresses, online at: <https://pacer.psc.uscourts.gov/psco/cgi-bin/cmecf/ca-login.pl> 9th Cir. R. 46-3.

Counsel who have been granted an exemption from using Appellate ECF must file a written change of address with the Court. 9th Cir. R. 46-3.

Payment of Fees

The \$500.00 filing fee or a motion to proceed in forma pauperis shall accompany the petition for review. 9th Cir. R. 3-1.

A motion to proceed in forma pauperis must be supported by the affidavit of indigency found at Form 4 of the Federal Rules of Appellate Procedure, available at the Court's website, www.ca9.uscourts.gov, under *Forms*.

Failure to satisfy the fee requirement or to apply to proceed without payment of fees will result in the petition's dismissal. 9th Cir. R. 42-1.

Motions Practice

Following are some of the basic points of motion practice, governed by Fed. R. App. P. 27 and 9th Cir. R. 27-1 through 27-13.

- Neither a notice of motion nor a proposed order is required. Fed. R. App. P. 27(a)(2)(C)(ii), (iii).
- Motions may be supported by an affidavit or declaration. 28 U.S.C. § 1746.
- Each motion should provide the position of the opposing party. Circuit Advisory Committee Note to Rule 27-1(5); 9th Cir. R. 31-2.2(b)(6).
- A response to a motion is due 10 days from the service of the motion. Fed. R. App. P. 27(a)(3)(A). The reply is due 7 days from service of the response. Fed. R. App. P. 27(a)(4); Fed. R. App. P. 26(c).
- A response requesting affirmative relief and/or relief by a date certain must include that request in the caption. Fed. R. App. P. 27(a)(3)(B).
- A motion filed after a case has been scheduled for oral argument, has been argued, is under submission or has been decided by a panel, must include on the initial page and/or cover the date of argument, submission or decision and, if known, the names of the judges on the panel. 9th Cir. R. 25-4.

Emergency or Urgent Motions

All emergency and urgent motions must conform with the provisions of 9th Cir. R. 27-3. Note that a motion requesting procedural relief (e.g., an extension of time to file a brief) is *not* the type of matter contemplated by 9th Cir. R. 27-3. Circuit Advisory Committee Note to 27-3(3).

Prior to filing an emergency motion, the moving party *must* contact an attorney in the Motions Unit in San Francisco at (415) 355-8020.

When it is absolutely necessary to notify the Court of an emergency outside of standard office hours, the moving party shall call (415) 355-8000. Keep in mind that this line is for true emergencies that cannot wait until the next business day (e.g., an imminent execution or removal from the United States).

Briefing Schedule

The Court sets the briefing schedule at the time the petition for review is docketed.

Certain motions (e.g., a motion for dismissal) automatically stay the briefing schedule. 9th Cir. R. 27-11.

The opening and answering brief due dates (and any other deadline set for a date certain by the Court) are not subject to the additional time described in Fed. R. App. P. 26(c). The early filing of petitioner's opening brief does not advance the due date for respondent's answering brief. 9th Cir. R. 31-2.1.

Extensions of Time to file a Brief

Streamlined Request

If you have not yet asked for any extension of time to file the brief, you may request one streamlined extension of up to 30 days from the brief's existing due date. Submit your request via the Appellate ECF system using the "File a Streamlined Request to Extend Time to File Brief" event on or before your brief's existing due date. No form or written motion is required.

Written Extension

Requests for extensions of more than 14 days will be granted only upon a written motion supported by a showing of diligence and substantial need. This motion shall be filed at least 7 days before the due date for the brief. The motion shall be accompanied by an affidavit or declaration that includes all of the information listed at 9th Cir. R. 31-2.2(b).

The Court will ordinarily adjust the schedule in response to an initial motion. Circuit Advisory Committee Note to Rule 31-2.2. The Court expects that the brief

will be filed within the requested period of time. *Id.*

Contents of Briefs and Record

The required components of a brief are set out at Fed. R. App. P. 28 and 32, and 9th Cir. R. 28-2, 32-1 and 32-2.

The content and filing of the record are governed by Fed. R. App. P. 16 and 17. If respondent does not file the record or certified list by the specified date, petitioner may move to amend the briefing schedule.

Excerpts of Record

The Court requires Excerpts of Record rather than an Appendix. 9th Cir. R. 17-1.1. Please review 9th Cir. R. 17-1.3 through 17-1.6 to see a list of the specific contents and format. For Excerpts that exceed 75 pages, the first volume must comply with 9th Cir. R. 17-1.6 and 30-1.6(a). Excerpts exceeding 300 pages must be filed in multiple volumes. 9th Cir. R. 30-1.6(b).

Respondent may file supplemental Excerpts, and petitioner may file further Excerpts. 9th Cir. R. 17-1.7; 17-1.8; 30-1.7 and 30-1.8. If you are a respondent responding to a pro se brief that did not come with Excerpts, then your Excerpts need only include the contents set out at 9th Cir. R. 30-1.7.

Excerpts must be submitted in PDF format on Appellate ECF on the same day the filer submits the brief, unless the Excerpts contain sealed materials. If the Excerpts contain sealed materials, please electronically submit only the unsealed volumes. The filer shall serve a paper copy of the Excerpts on any party not registered for Appellate ECF.

After electronic submission, the Court will direct the filer to file 4 separately-bound excerpts of record with white covers in paper copy.

Mediation Program

Mediation Questionnaires are required in all counseled cases seeking review of an agency decision except those cases seeking review of a Board of Immigration Appeals decision. 9th Cir. R. 15-2.

The Mediation Questionnaire is available on the Court's website at www.ca9.uscourts.gov under *Forms*. The Mediation Questionnaire should be filed within 7 days of the docketing of the Petition for Review. The Mediation Questionnaire is used only to assess settlement potential.

If you are interested in requesting a conference with a mediator, you may call the Mediation Unit at (415) 355-7900, email ca09_mediation@ca9.uscourts.gov or make a written request to the Chief Circuit Mediator. You may request conferences confidentially. More information about the Court's mediation program is available at <http://www.ca9.uscourts.gov/mediation>.

Oral Hearings

Notices of the oral hearing calendars are distributed approximately 4 to 5 weeks before the hearing date.

The Court will change the date or location of an oral hearing only for good cause, and requests to continue a hearing filed within 14 days of the hearing will be granted only upon a showing of exceptional circumstances. 9th Cir. R. 34-2.

Oral hearing will be conducted in all cases unless all members of the panel agree that the decisional process would not be significantly aided by oral argument. Fed. R. App. P. 34.

Ninth Circuit Appellate Lawyer Representatives APPELLATE MENTORING PROGRAM

1. Purpose

The Appellate Mentoring Program is intended to provide mentoring on a voluntary basis to attorneys who are new to federal appellate practice or would benefit from guidance at the appellate level. In addition to general assistance regarding federal appellate practice, the project will provide special focus on two substantive areas of practice - immigration law and habeas corpus petitions. Mentors will be volunteers who have experience in immigration, habeas corpus, and/or appellate practice in general. The project is limited to counseled cases.

2. Coordination, recruitment of volunteer attorneys, disseminating information about the program, and requests for mentoring

Current or former Appellate Lawyer Representatives (ALRs) will serve as coordinators for the Appellate Mentoring Program. The coordinators will recruit volunteer attorneys with appellate expertise, particularly in the project's areas of focus, and will maintain a list of those volunteers. The coordinators will ask the volunteer attorneys to describe their particular strengths in terms of mentoring experience, substantive expertise, and appellate experience, and will maintain a record of this information as well.

The Court will include information about the Appellate Mentoring Program in the case opening materials sent to counsel and will post information about it on the Court's website. Where appropriate in specific cases, the Court may also suggest that counsel seek mentoring on a voluntary basis.

Counsel who desire mentoring should contact the court at mentoring@ca9.uscourts.gov, and staff will notify the program coordinators. The coordinators will match the counsel seeking mentoring with a mentor, taking into account the mentor's particular strengths.

3. The mentoring process

The extent of the mentor's guidance may vary depending on the nature of the case, the mentee's needs, and the mentor's availability. In general, the mentee should initiate contact with the mentor, and the mentee and mentor should determine together how best to proceed. For example, the areas of guidance may range from

basic questions about the mechanics of perfecting an appeal to more sophisticated matters such as effective research, how to access available resources, identification of issues, strategy, appellate motion practice, and feedback on writing.

4. Responsibility/liability statement

The mentee is solely responsible for handling the appeal and any other aspects of the client's case, including all decisions on whether to present an issue, how to present it in briefing and at oral argument, and how to counsel the client. By participating in the program, the mentee agrees that the mentor shall not be liable for any suggestions made. In all events, the mentee is deemed to waive and is estopped from asserting any claim for legal malpractice against the mentor.

The mentor's role is to provide guidance and feedback to the mentee. The mentor will not enter an appearance in the case and is not responsible for handling the case, including determining which issues to raise and how to present them and ensuring that the client is notified of proceedings in the case and receives appropriate counsel. The mentor accepts no professional liability for any advice given.

5. Confidentiality statement

The mentee alone will have contact with the client, and the mentee must maintain client confidences, as appropriate, with respect to non-public information.

8/10/11

Notice regarding Electronic Case Filing

U.S. Court of Appeals for the Ninth Circuit

The Court is sending you this notice because it appears that you have not registered for the Ninth Circuit's Appellate ECF system.

Effective January 2, 2009, use of the Appellate ECF system is **mandatory** for all attorneys and all court reporters filing in this Court, unless they are granted an exemption from using the Appellate ECF system. Use of the Appellate ECF system is voluntary for all pro se parties proceeding without counsel.

Note: If you are an attorney, you do not need to be admitted to the bar of this Court before you register for electronic filing, but you should *concurrently* apply for admission. Information on attorney admission is available under Attorney Admissions at <http://www.ca9.uscourts.gov/attorneys/>

How to Register

- ▶ To register, go to Appellate ECF Filer Registration: http://www.pacer.gov/reg_ap.html
- ▶ You must register specifically for the Ninth Circuit, even if you are already registered for PACER, for ECF in other courts, or for electronic noticing in the Ninth Circuit.
- ▶ You should receive e-mail confirmation of your CM/ECF registration within 10 business days from the PACER service center. Once you receive this confirmation, you will be expected to use the Ninth Circuit's CM/ECF system.

Once registered, you must use the CM/ECF system to electronically file most documents, and you will also receive electronic notices of docket activity.

Questions?

- If you have questions about Appellate ECF Filer Registration, please contact the PACER Service Center at: pacer@psc.uscourts.gov
- If you have questions about CM/ECF (including about which documents must be electronically filed) in the Ninth Circuit, please first refer to the Ninth Circuit's website for information about Electronic Filing and the CM/ECF system: <http://www.ca9.uscourts.gov/cmecf>
- Still have questions? Please contact: CMECF_ca9help@ca9.uscourts.gov



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United States Court of Appeals for the Ninth Circuit
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San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

August 22, 2014

No.: 14-72602
EPA No.: EPA-R09-OAR-2012-0634
Short Title: Center for Biological Diversit v. USEPA, et al

Dear Petitioner/Counsel

Your Petition for Review has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

The due dates for filing the parties' briefs and otherwise perfecting the petition have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the petitioner to comply with the time schedule order will result in automatic dismissal of the petition. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 22 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CENTER FOR BIOLOGICAL
DIVERSITY,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY; GINA
MCCARTHY, in her official capacity
as Administrator of the United States
Environmental Protection Agency;
JARED BLUMENFELD, in his official
capacity as Regional Administrator of
Region 9 of the United States
Environmental Protection Agency;
DEBORAH JORDAN, in her official
capacity as Director of the Air Division
of Region 9 of the United States
Environmental Protection Agency,

Respondents.

No. 14-72602

EPA No. EPA-R09-OAR-2012-0634
Environmental Protection Agency

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

Fri., August 29, 2014

Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration.

Mon., November 10, 2014 Petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

Wed., December 10, 2014 Respondents' answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

The optional petitioner's reply brief shall be filed and served within fourteen days of service of the respondents' brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the petitioner to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Bradley Ybarreta
Deputy Clerk